

1 GEORGE DEUKMEJIAN, Attorney General  
of the State of California  
2 ROBERT C. CROSS,  
Deputy Attorney General  
3 555 Capitol Mall, Suite 350  
Sacramento, California 95814  
4 Telephone: (916) 445-0422

5 Attorneys for Complainant  
6  
7  
8

9 BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
11

12 In the Matter of the Accusation	)	No. D-2352
Against:	)	
13	)	
GEORGE WILLIAM BABBIN, JR., M.D.	)	STIPULATION
14 1709 Pluto Way	)	<u>AND ORDER</u>
Sacramento, CA	)	
15 License No. G34795	)	
	)	
16 Respondent.	)	
	)	

---

17  
18 IT IS HEREBY STIPULATED by and between the parties and  
19 their counsel as follows:

20 1. Respondent hereby acknowledges service of an  
21 Accusation, Statement to Respondent, and a "Notice of Defense"  
22 form in this matter.

23 2. The parties understand and waive their right to a  
24 hearing as provided by the California Administrative Procedure  
25 Act (Gov. Code, § 11500 et seq.).

26 3. Respondent admits and stipulates to the truth of  
27 all allegations contained in paragraphs I, II, III, IV, V, VI,

1 VII, VIII, IX, X, XII and XIII of the Accusation on file against  
2 him in this matter. A copy of said Accusation is attached  
3 hereto as Exhibit "A" and incorporated herein by reference.

4 4. Based on the foregoing recitals, and in  
5 consideration thereof, the Division of Medical Quality, Board of  
6 Medical Quality Assurance, may issue a decision and order  
7 containing the following terms:

8 \* \* \* \*

9 ORDER

10 Physician's and Surgeon's Certificate No. G34795,  
11 previously issued to respondent, is hereby revoked; provided,  
12 however, said revocation is hereby stayed and respondent is  
13 placed on probation for a period of seven years on the following  
14 terms and conditions:

15 1. As a part of probation, respondent is suspended  
16 from the practice of medicine for 75 days. This 75 day period  
17 shall commence upon signature of this document by respondent and  
18 his attorney.

19 2. Respondent shall not prescribe, administer,  
20 dispense, order, or possess (except as prescribed, administered,  
21 or dispensed to respondent by another person authorized by law  
22 to do so) controlled substances as defined by the California  
23 Uniform Controlled Substances Act (Health & Saf. Code, § 11000  
24 et seq.) except those drugs listed in Schedules IV and V of the  
25 Act and those non-narcotic drugs listed in Schedule III of the  
26 Act.

27 3. Respondent shall abstain completely from the

1 personal use or possession of controlled substances as defined  
2 in the California Uniform Controlled Substances Act and  
3 dangerous drugs as defined by section 4211 of the Business and  
4 Professions Code, except those prescribed, administered, or  
5 dispensed to respondent by another person authorized by law to  
6 do so.

7 4. Respondent shall comply immediately with requests  
8 from the Division's designee to submit to biological fluid  
9 testing.

10 5. Within 60 days of the effective date of this  
11 decision, respondent shall take and pass an oral clinical  
12 examination administered by the Division or its designee.  
13 Respondent shall not engage in the practice of medicine until  
14 respondent has successfully passed this examination and has been  
15 so notified in writing by the Division. If respondent fails  
16 this examination, he must wait an additional three months before  
17 being entitled to a second examination. If respondent fails  
18 this second examination, he must wait an additional three months  
19 before being entitled to a third examination. If respondent  
20 fails the third examination, respondent must wait one year to  
21 take each successive examination. Respondent shall pay all  
22 costs of the examinations, except for the first.

23 6. Within 30 days of the effective date of this  
24 decision, respondent shall undergo an administrative psychiatric  
25 evaluation by a psychiatrist designated by the Division who  
26 shall furnish a report to the Division stating whether  
27 respondent is fit to practice medicine and whether respondent

1 requires psychiatric treatment to practice medicine safely.

2 Respondent shall not engage in the practice of  
3 medicine until he has been deemed fit to practice medicine  
4 safely by the administrative psychiatrist and has been so  
5 notified by the Division.

6 If respondent is judged by the administrative  
7 psychiatrist to be in need of psychiatric treatment in order to  
8 practice medicine safely, he shall, within 30 days of  
9 notification of the requirement of psychiatric treatment, submit  
10 to the Division for its prior approval the name and  
11 qualifications of the psychiatrist of his choice. Upon  
12 approval, respondent shall undergo treatment and continue  
13 treatment until such time as the Division deems that no further  
14 psychiatric treatment is necessary. To make this determination,  
15 the Division may require periodic administrative psychiatric  
16 evaluations.

17 7. Respondent shall obey all federal, state, and  
18 local laws and all rules governing the practice of medicine in  
19 California.

20 8. Respondent shall submit quarterly declarations  
21 under penalty of perjury on forms provided by the Division,  
22 stating whether there has been compliance with all the  
23 conditions of probation.

24 9. Respondent shall comply with the Division's  
25 Probation Surveillance Program.

26 10. Respondent shall appear in person for interviews  
27 with the Division's medical consultant upon request at various

1 intervals and with reasonable notice.

2 11. In the event respondent should leave California to  
3 reside or practice outside the State, respondent must notify the  
4 Division in writing of the dates of departure and return.  
5 Periods of residency or practice outside California will not  
6 apply to the reduction of this probationary period.

7 12. If respondent violates probation in any respect,  
8 the Division, after giving respondent notice and the opportunity  
9 to be heard, may set aside the stay order and impose the  
10 revocation of respondent's certificate.

11 13. Upon successful completion of probation,  
12 respondent's certificate will be fully restored.

13 14. The terms and recitals set forth herein shall be  
14 null and void and not binding on the parties hereto unless and  
15 until approved by the Division of Medical Quality of the Board  
16 of Medical Quality Assurance.

17 DATED: *July 31, 1979*

18 GEORGE DEUKMEJIAN, Attorney General  
19 of the State of California

20 By *Robert C. Cross*  
21 ROBERT C. CROSS  
22 Deputy Attorney General

Attorneys for Complainant

23 DATED: *8-2-79*

24 *Thomas Wagner*  
25 THOMAS WAGNER

Attorney for Respondent

26  
27 DATED: *8/2/79*

*George William Babb*  
GEORGE WILLIAM BABBIN, JR., M.D.


Respondent

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

ORDER

The above stipulation is accepted as the decision of the Division of Medical Quality, Board of Medical Quality Assurance. This decision is ordered effective retroactive to the 2nd day of August, 1979. It is so ordered this 6th day of November, 1979.

Division of Medical Quality  
Board of Medical Quality Assurance  
Department of Consumer Affairs of  
the State of California

By   
A. DAVID AXELRAD, M.D.  
Secretary/Treasurer  
Division of Medical Quality

1 GEORGE DEUKMEJIAN, Attorney General  
 of the State of California  
 2 ROBERT C. CROSS,  
 Deputy Attorney General  
 3 555 Capitol Mall, Suite 350  
 Sacramento, California 95814  
 4 Telephone: (916) 445-0422

5 Attorneys for Complainant

6

7

8 BEFORE THE DIVISION OF MEDICAL QUALITY  
 BOARD OF MEDICAL QUALITY ASSURANCE  
 9 DEPARTMENT OF CONSUMER AFFAIRS  
 STATE OF CALIFORNIA

10

11 In the Matter of the Accusation	)	No. D-2352
Against:	)	
12	)	
GEORGE WILLIAM BABBIN, JR., M.D.	)	<u>ACCUSATION</u>
13 1709 Pluto Way	)	
Sacramento, CA	)	
14 License No. G34795	)	
	)	
15 Respondent.	)	

16

17 Complainant Robert Rowland alleges:

18

I

19 Complainant is the Executive Director of the Board  
 20 of Medical Quality Assurance of the State of California

21 (hereinafter referred to as the board) and makes this accusation  
 22 solely in such official capacity.

23

II

24 On or about July 6, 1977, Respondent George William  
 25 Babbin, Jr., was issued physician and suregeon certificate  
 26 No. G34795 by the board. At all times herein mentioned

27 / / / /

1 Respondent was and is a licensed physician in the State of  
2 California.

3 III

4 Section 2360 of the Business and Professions Code  
5 provides as follows:<sup>1/</sup>

6 "Every certificate issued may be suspended or  
7 revoked. The Division of Licensing shall refuse a  
8 certificate to any applicant guilty of unprofessional  
9 conduct. The proceedings under this article shall  
10 be conducted in accordance with Chapter 5 (commencing  
11 with section 11500) of Part 1 of Division 3 of  
12 Title 2 of the Government Code, and the Division  
13 of Licensing and the Division of Medical Quality  
14 shall have all powers granted therein."

15 IV

16 Section 2361 provides, in part:

17 "The Division of Medical Quality shall take  
18 action against any holder of a certificate who is  
19 guilty of unprofessional conduct. . . ."

20 V

21 Section 2390 provides that a physician's use,  
22 prescription, or administration to himself of any Schedule  
23 II drug as specified in Health and Safety Code section 11055,  
24 or any dangerous drug as specified by Business and Professions  
25

26 1. All future citations are to the Business and Professions  
27 Code unless otherwise specified.

1 Code section 4211, constitutes unprofessional conduct within  
2 the meaning of section 2361.

3 VI

4 Section 2391.5 provides that the violation of any  
5 state or federal statute, rule, or regulation regulating  
6 dangerous drugs, narcotics, or controlled substances, is  
7 unprofessional conduct within the meaning of section 2361.

8 VII

9 Section 4232 provides that any person who fails,  
10 neglects, or refuses to maintain records concerning the  
11 purchase and disposition of dangerous drugs, or fails, neglects,  
12 or refuses to produce such records to an authorized law  
13 officer within a reasonable time, or wilfully produces or  
14 furnishes records which are false, is guilty of a misdemeanor.

15 VIII

16 The drugs Demerol (also known as pentazocine) and  
17 morphine sulfate are dangerous drugs pursuant to section  
18 4211(k); narcotics pursuant to Health and Safety Code section  
19 11019, and Schedule II controlled substances pursuant to  
20 Health and Safety Code section 11055 and title 21, Code of  
21 Federal Regulations, section 1308.12.

22 IX

23 Health and Safety Code section ~~11190~~ provides that  
24 each physician who issues a prescription or dispenses or  
25 administers controlled substances classified in Schedule II  
26 shall make a record which shows the following:

27 (a) The name and address of the patient;

1 (b) The date;

2 (c) The character and quantity of controlled substances  
3 involved. The prescriber's record must show the pathology  
4 and purpose for which the drug was prescribed, administered,  
5 or dispensed.

6 X

7 Health and Safety Code section 11154 provides that  
8 a physician may not prescribe, administer, dispense, or  
9 furnish a controlled substance to an individual who is not  
10 under his treatment for a pathology.

11 XI

12 From August 1978 through December 1978 Respondent  
13 George William Babbin, Jr., administered to himself the  
14 drugs Demerol and morphine sulfate. Such conduct on the  
15 part of Respondent is unprofessional conduct pursuant to  
16 section 2390 and cause for disciplinary action pursuant to  
17 section 2361.

18 XII

19 From August 1978 through December 1978 Respondent  
20 George William Babbin, Jr., failed to keep records of his  
21 purchase and disposition of the drugs Demerol and morphine  
22 sulfate. Respondent failed to produce such records to authorized  
23 officers of the law on or about January 3, 1979. Such action  
24 on the part of respondent violated section 4232, is unprofessional  
25 conduct pursuant to section 2391.5, and is cause for disciplinary  
26 action pursuant to section 2361.

27 / / / /

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

XIII

From August 1978 through December 1978 Respondent George William Babbin, Jr., failed to keep records required by Health and Safety Code section 11190 with respect to the drugs Demerol and morphine sulfate. Such action on the part of respondent is unprofessional conduct pursuant to section 2391.5 and cause for disciplinary action pursuant to section 2361.

XIV

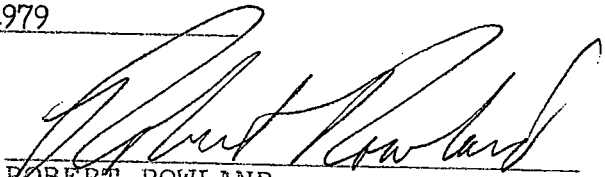
On or about November 7, 1978, Respondent George William Babbin, Jr., administered the drug Demerol to his office girl, Mrs. Grace T [REDACTED], who at that time was not under his treatment for any pathology and who was suffering from no pathology. Respondent falsified medical records to indicate a pathology for the administration of Demerol to Mrs. T [REDACTED]. Such conduct on the part of Respondent violated Health and Safety Code section 11154, is unprofessional conduct pursuant to section 2391.5, and is cause for disciplinary action pursuant to section 2361.

WHEREFORE, complainant prays that a hearing be held on the matters alleged herein and that following a

/ / / /  
/ / / /  
/ / / /  
/ / / /  
/ / / /  
/ / / /  
/ / / /

1 hearing a decision be issued revoking or suspending license  
2 of Respondent and taking such other and further action as is  
3 proper.

4 DATED: June 14, 1979

5   
6  
7 ROBERT ROWLAND  
8 Executive Director  
9 Division of Medical Quality  
10 Board of Medical Quality Assurance  
11 Department of Consumer Affairs  
12 State of California

13  
14 Attorneys for Complainant  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27